

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In re
JAMES F. MITCHELL,

Chapter 13
Case No. 13-29816-SVK

Debtor.

NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

The Chapter 13 Trustee, Mary B. Grossman, has filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing, which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue
Room 126
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Mary B. Grossman
Office of the Chapter 13 Trustee
P.O. Box 510920
Milwaukee, WI 53203

If you or your attorney do not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

Office of the Chapter 13 Trustee
P O Box 510920
Milwaukee, WI 53203
T: (414) 271-3943
F: (414) 271-9344
info@chapter13milwaukee.com

REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:
_____ the Debtor;
 X the Chapter 13 Trustee (post-confirmation modifications only);
_____ the holder of an unsecured claim (post-confirmation modifications only).
Name: _____
2. This is a request to modify a Chapter 13 Plan (Select A. or B.):
A. X post-confirmation;
B. _____ pre-confirmation (Select i. or ii.);
 - i. _____ Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or
 - ii. _____ Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are: (*List creditors*)
3. The Proponent wishes to modify the Chapter 13 Plan to do the following:
Increase the dividend paid to nonpriority unsecured creditors.
4. The reason(s) for the modification is/are:
Scheduled Plan payments will result in a larger dividend to nonpriority unsecured creditors than provided for in the most recent confirmed plan. **The Trustee is not requesting an increase in plan payments.**
5. Select A. or B.
A. X The Chapter 13 Plan confirmed or last modified on May 6, 2015 is modified as follows:
Increase the dividend paid to nonpriority creditors to 7.00%.
B. _____ The unconfirmed Chapter 13 Plan dated _____ is modified as follows: (*State the specific language of the modification.*)

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. **BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.**

CERTIFICATION

Complete one of the certifications below:

1. I/We, the debtor(s) in this case, certify that I/we have reviewed the modification to the Chapter 13 plan proposed in this motion, and I/we authorize my/our attorney to file it with the court.

Debtor

Date

Debtor

Date

OR

2. I _____, attorney for debtors(s) _____, certify that I have reviewed the modification proposed above with the debtor(s), and that the debtor(s) has/have authorized me to file it with the court.

Counsel for the debtor(s)

Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated: November 23, 2016

at City, State.

Milwaukee, Wisconsin

Trustee for Debtor

By: /s/_____

Mary B. Grossman, Trustee

Robert W. Stack, Staff Attorney

Christopher D. Schimke, Staff Attorney

Sandra M. Baner, Staff Attorney

Bar No. _____

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CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2016, the **NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN** in this case was electronically filed with the Clerk of Court and served upon the following parties using the ECF system:

OFFICE OF THE U.S. TRUSTEE

NICKOLAI & POLETTI, LLC

I further certify that I have mailed by United States Postal Service the same document to the following non-ECF participants:

JAMES F. MITCHELL
710 WEST STATE STREET
BURLINGTON, WI 53105-

Dated: November 23, 2016

/s/

Miranda J. Mackie
Administrative Assistant
Office of the Chapter 13 Trustee
P.O. Box 510920
Milwaukee, WI 53203
T: (414) 271-3943
F: (414) 271-9344